



General Assembly

***Substitute Bill No. 6689***

*January Session, 2003*

***AN ACT CONCERNING MEDICATION IN SCHOOL.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 10-208a of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective July 1, 2003*):

3 Each local and regional board of education shall honor written  
4 notice submitted by a licensed practitioner [of the healing arts, as  
5 defined in section 20-1,] which places physical restrictions upon any  
6 pupil enrolled in the public schools of such board of education. For  
7 purposes of this section, licensed practitioner means any person who is  
8 licensed to practice under chapter 370, 372, 373 or 375 or section 20-  
9 94a.

10 Sec. 2. Section 10-212a of the general statutes is repealed and the  
11 following is substituted in lieu thereof (*Effective October 1, 2003*):

12 (a) A school nurse or, in the absence of such nurse, any other nurse  
13 licensed pursuant to the provisions of chapter 378, including a nurse  
14 employed by, or providing services under the direction of a local or  
15 regional board of education at, a school-based health clinic, who shall  
16 administer medical preparations only to students enrolled in such  
17 school-based health clinic in the absence of a school nurse, the  
18 principal, any teacher, licensed physical or occupational therapist  
19 employed by a school district, or coach of intramural and

20 interscholastic athletics of a school may administer medicinal  
21 preparations, including such controlled drugs as the Commissioner of  
22 Public Health may, by regulation, designate, to any student at such  
23 school pursuant to the written order of a physician licensed to practice  
24 medicine or a dentist licensed to practice dental medicine in this or  
25 another state, or an advanced practice registered nurse licensed to  
26 prescribe in accordance with section 20-94a, or a physician assistant  
27 licensed to prescribe in accordance with section 20-12d, and the written  
28 authorization of a parent or guardian of such child. The administration  
29 of medicinal preparations by a nurse licensed pursuant to the  
30 provisions of chapter 378, a principal, teacher, licensed physical or  
31 occupational therapist employed by a school district, or coach shall be  
32 under the general supervision of a school nurse. No such school nurse  
33 or other nurse, principal, teacher, licensed physical or occupational  
34 therapist employed by a school district, or coach shall be liable to such  
35 student or a parent or guardian of such student for civil damages for  
36 any personal injuries which result from acts or omissions of such  
37 school nurse or other nurse, principal, teacher, licensed physical or  
38 occupational therapist employed by a school district, or coach in  
39 administering such preparations which may constitute ordinary  
40 negligence. This immunity shall not apply to acts or omissions  
41 constituting gross, wilful or wanton negligence.

42 (b) Each school wherein any controlled drug is administered under  
43 the provisions of this section shall keep such records thereof as are  
44 required of hospitals under the provisions of subsections (f) and (h) of  
45 section 21a-254 and shall store such drug in such manner as the  
46 Commissioner of Public Health shall, by regulation, require.

47 (c) The Commissioner of Public Health, in consultation with the  
48 Commissioner of Education, may adopt regulations, in accordance  
49 with the provisions of chapter 54, that specify conditions under which  
50 a coach of intramural and interscholastic athletics may administer  
51 medicinal preparations, including controlled drugs specified in the  
52 regulations adopted by the [commissioner] Commissioner of Public  
53 Health, to a child participating in such intramural and interscholastic

54 athletics. The regulations shall require authorization pursuant to: (1)  
55 The written order of a physician licensed to practice medicine or a  
56 dentist licensed to practice dental medicine in this or another state, an  
57 advanced practice registered nurse licensed under chapter 378, a  
58 physician assistant licensed under chapter 370, a podiatrist licensed  
59 under chapter 375 or an optometrist licensed under chapter 380; and  
60 (2) the written authorization of a parent or guardian of such child.

61 (d) A school nurse supervisor and a school medical advisor may  
62 jointly preapprove a plan for an identified school paraprofessional to  
63 administer medication to a specific student with a medically diagnosed  
64 allergic condition which may require prompt treatment in order to  
65 protect the student against serious harm or death.

66 Sec. 3. Subsection (a) of section 10-220a of the general statutes is  
67 repealed and the following is substituted in lieu thereof (*Effective July*  
68 *1, 2003*):

69 (a) Each local or regional board of education shall provide an in-  
70 service training program for its teachers, administrators and pupil  
71 personnel who hold the initial educator, provisional educator or  
72 professional educator certificate. Such program shall provide such  
73 teachers, administrators and pupil personnel with information on (1)  
74 the nature and the relationship of drugs, as defined in subdivision (17)  
75 of section 21a-240, and alcohol to health and personality development,  
76 and procedures for discouraging their abuse, (2) health and mental  
77 health risk reduction education which includes, but need not be  
78 limited to, the prevention of risk-taking behavior by children and the  
79 relationship of such behavior to substance abuse, pregnancy, sexually  
80 transmitted diseases, including HIV-infection and AIDS, as defined in  
81 section 19a-581, violence, child abuse and youth suicide, (3) the growth  
82 and development of exceptional children, including handicapped and  
83 gifted and talented children and children who may require special  
84 education, including, but not limited to, children with attention-deficit  
85 hyperactivity disorder or learning disabilities, and methods for  
86 identifying, planning for and working effectively with special needs

87 children in a regular classroom, (4) school violence prevention and  
88 conflict resolution, (5) cardiopulmonary resuscitation and other  
89 emergency life saving procedures, (6) computer and other information  
90 technology as applied to student learning and classroom instruction,  
91 communications and data management, and (7) the teaching of the  
92 language arts, reading and reading readiness for teachers in grades  
93 kindergarten to three, inclusive. The State Board of Education, within  
94 available appropriations and utilizing available materials, shall assist  
95 and encourage local and regional boards of education to include: (A)  
96 Holocaust education and awareness; (B) the historical events  
97 surrounding the Great Famine in Ireland; (C) African-American  
98 history; (D) Puerto Rican history; (E) Native American history; (F)  
99 personal financial management; and (G) topics approved by the state  
100 board upon the request of local or regional boards of education as part  
101 of in-service training programs pursuant to this subsection.

102 Sec. 4. (NEW) (*Effective July 1, 2003*) (a) No local or regional board of  
103 education may prohibit blood glucose self-testing by children with  
104 diabetes who have a written order from a physician stating the need  
105 and the capability of such child to conduct self-testing.

106 (b) The Commissioner of Education, in consultation with the  
107 Commissioner of Public Health, shall develop guidelines for policies  
108 and practices with respect to blood glucose self-testing by children  
109 pursuant to subsection (a) of this section.

110 Sec. 5. Section 10-212b of the general statutes is repealed and the  
111 following is substituted in lieu thereof (*Effective July 1, 2003*):

112 (a) For purposes of this section, (1) "psychotropic drugs" means  
113 prescription medications for behavioral or social-emotional concerns,  
114 such as attentional deficits, impulsivity, anxiety, depression and  
115 thought disorders, and includes, but is not limited to, stimulant  
116 medication and antidepressants, and (2) "school health or mental  
117 health personnel" means school nurses or nurse practitioners  
118 appointed pursuant to section 10-212, school medical advisors

119 appointed pursuant to section 10-205, school psychologists, school  
 120 social workers, school counselors and such other school personnel who  
 121 have been identified as the person responsible for communication with  
 122 a parent or guardian about a child's need for medical evaluation  
 123 pursuant to a policy adopted by a local or regional board of education  
 124 as required by subsection (b) of this section.

125 (b) Each local and regional board of education shall adopt and  
 126 implement policies prohibiting any school personnel from  
 127 recommending the use of psychotropic drugs for any child. Such  
 128 policies shall set forth procedures (1) for communication between  
 129 school health or mental health personnel and other school personnel  
 130 about a child who may require a recommendation for a medical  
 131 evaluation, (2) establishing the method in which school health or  
 132 mental health personnel communicate a recommendation to a parent  
 133 or guardian that such child be evaluated by an appropriate medical  
 134 practitioner, and (3) for obtaining proper consent from a parent or  
 135 guardian of a child for the school health or mental health personnel to  
 136 communicate about such child with a medical practitioner outside the  
 137 school who is not a school employee. The provisions of this section  
 138 shall not prohibit (A) school [medical staff] health or mental health  
 139 personnel from recommending that a child be evaluated by an  
 140 appropriate medical practitioner, [or prohibit] (B) school personnel  
 141 from consulting with such practitioner with the consent of the parents  
 142 or guardian of such child, (C) the planning and placement team from  
 143 recommending a medical evaluation as part of an initial evaluation or  
 144 reevaluation, as needed to determine a child's (i) eligibility for special  
 145 education and related services, or (ii) educational needs for an  
 146 individualized education program.

This act shall take effect as follows:	
Section 1	<i>July 1, 2003</i>
Sec. 2	<i>October 1, 2003</i>
Sec. 3	<i>July 1, 2003</i>
Sec. 4	<i>July 1, 2003</i>

Sec. 5	<i>July 1, 2003</i>
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**ED**      *Joint Favorable Subst.*